

**REMARKS**

***Status of the Claims***

In the present Amendment, Claim 6 has been amended to provide a method for manufacturing a granular pesticidal composition coated with a polyurethane resin comprising adding a mixture of composition (1), (2), or (3) for preparing a thermosetting resin to a pesticidal active ingredient-containing granule to be coated in an inclined pan rolling granulator equipped with a heating apparatus, under heating. Support is found, for example, in the description at page 26, lines 4-14 of the originally filed specification.

Composition claims 1-3, 5, 7, 10, 11, 13 and 19-22 have been canceled.

No new matter has been added, and entry of the Amendment is respectfully requested.

Upon entry of the Amendment, Claims 6 and 16-18, which are all directed to a method for manufacturing a coated granular pesticidal composition, will be pending.

***The Present Claims are Patentable over the Applied References***

In Paragraph No. 2, on page 2 of the Office Action, Claims 1-3, 5, 7, 10, 11, 13 and 19-22 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Tocker (WO 91/10362) in view of Burger et al. (WO 93/04017; CA 2115998 is an English equivalent) (hereinafter "Burger") and Kogler et al. (U.S. Patent No. 4,772,490) (hereinafter "Kogler").

Without conceding to the merits of the rejection, Claims 1-3, 5, 7, 10, 11, 13 and 19-22 have been canceled. The present rejection is thus moot.

In view of the above, withdrawal of the rejection of Claims 1-3, 5, 7, 10, 11, 13 and 19-22 as being unpatentable over Tocker in view of Burger and Kogler is requested.

**AMENDMENT UNDER 37 C.F.R. § 1.116**  
**U.S. Appl. No. 08/987,380 (Attorney Docket Q48500)**

In Paragraph No. 6, on page 5 of the Office Action, Claims 6 and 22 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Tocker in view of Burger and Kogler, and in further view of Bola (U.S. Patent No. 5,489,439) and Nakano (JP 07-194960).

Applicants respectfully traverse.

Bola discloses granular pharmaceutical formulations, and thus Bola's teachings are directed to a different technical field from the granular pesticidal composition obtained by the presently claimed method. Applicants assert that one of ordinary skill in the art would have believed the teachings of Bola to be nonanalogous to the granules of pesticides taught by Tocker (and the present application). Likewise, Applicants assert that one of ordinary skill in the art would have believed the teachings of Bola to be nonanalogous to the granules of fertilizer taught by Burger and Kohler. Accordingly, Applicants submit that Bola cannot be combined with Tocker, Burger or Kogler in the manner set forth by the Examiner.

In addition, Bola discloses excipients for coating a pharmaceutical formulation that are different from the polyurethane resin coated on the pesticidal composition in the method of the present claims. Bola does not suggest the use of polyurethane as an excipient for coating Bola's pharmaceutical formulation.

Further, Nakano discloses a special pan rolling granulator. However, (1) Nakano fails to provide one of ordinary skill in the art with any direction as to how to manufacture a coated granule with Nakano's granulator, and (2) Nakano does not employ a mixture of polyisocyanate and polyol to obtain polyurethane as the liquid to be added to the granulator. Instead, Nakano only discloses water or water containing an agglomerating agent or a binding agent, if needed, as such a liquid. Moreover, Nakano is completely silent about (and fails to suggest) any equipment

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for a heating apparatus. Accordingly, one of ordinary skill in the art would not have arrived at pesticidal granules coated with polyurethane using Nakano's granulator.

In light of the above, Applicants assert that one of ordinary skill in the art would not have had a reason to combine Bola and Nakano with Tocker, Burger and Kogler to arrive at the presently claimed method comprising the use of an inclined pan rolling granulator equipped with a heating apparatus and performing the .

In view of the above, Applicants respectfully request reconsideration and withdrawal of the rejection of Claims 6 and 22 under 35 U.S.C. § 103(a) as being unpatentable over Tocker in view of Burger and Kogler, and in further view of Bola and Nakano.

***Conclusion***

Reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the local, Washington, D.C., telephone number listed below.

The U.S. Patent and Trademark Office is hereby directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880.

Respectfully submitted,

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